

# **EXHIBIT B**

# Deposition Transcript

Case Number: 2:22-CV-07534 FLA-MAA

Date: March 29, 2024

In the matter of:

LOPEZ, et al. v CITY OF LOS ANGELES,  
et al.

BENNET OMALU

**CERTIFIED  
COPY**

Reported by:

April D. Biedermann  
WA CCR No.  
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BENNET OMALU  
MARCH 29, 2024

JOB NO. 915073

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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MARGARITO T. LOPEZ, SONIA	)	
TORRES, KENI LOPEZ, ROSY	)	
LOPEZ,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 2:22-CV-07534 FLA-MAA
	)	
CITY OF LOS ANGELES, JOSE	)	
ZAVALA, JULIO QUINTANILLA,	)	
AND DOES 1 THROUGH 10,	)	
INCLUSIVE,	)	
	)	
Defendants.	)	

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REMOTE DEPOSITION UPON ORAL EXAMINATION OF

BENNET OMALU

Friday, March 29, 2024

3:04 PM Pacific Time

Reported by:  
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MARCH 29, 2024

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APPEARANCES VIA ZOOM:

FOR THE PLAINTIFF:

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ALSO PRESENT:

ALEJANDRO MONGUIA

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EXHIBIT 2	Rule 26 report and Curriculum Vitae of Bennet Omalu, M.D.; 108 pages	4
EXHIBIT 3	Article entitled "From scientist to salesman, How Bennet Omalu, doctor of 'Concussion' fame, built a career on distorted science"; 36 pages	84

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1 FRIDAY, MARCH 29, 2024, 3:04 PM PACIFIC TIME

2 ---oOo---

3 BENNET OMALU,

4 being first duly sworn remotely to tell the truth,  
5 the whole truth, and nothing but the truth, was examined and  
6 testified as follows:

7

8 DIRECT EXAMINATION

9 BY MS. LAWRENCE:

10 Q. Good afternoon, Dr. Omalu.

11 A. Good afternoon.

12 Q. As you already heard, I represent the two officers  
13 involved in this litigation, Officer Jose Zavala and  
14 Julio Quintanilla. So I just have some questions.

15 The first thing I'd like to do is to attach your  
16 Notice of Deposition as Exhibit 1 to the transcript.

17 (Exhibit No. 1 marked for  
18 identification.)

19 BY MS. LAWRENCE:

20 Q. And then your Rule 26 report with your CV as Exhibit 2.  
21 (Exhibit No. 2 marked for  
22 identification.)

23 BY MS. LAWRENCE:

24 Q. And is there anything about your CV, Dr. Omalu, that is  
25 not current, or any changes or additions you'd like to

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1 scope of the deponent's expertise.

2 You can answer.

3 THE WITNESS: Well, your question is in case  
4 medical care was needed.

5 Medical care was already needed; not "in  
6 case" medical care was needed. So they recognized  
7 medical care was needed. There was no reason shooting  
8 a mental health patient, because he was not committing  
9 any crime.

10 And so to stage EMS means they anticipated  
11 they were going to shoot him and kill him. But this  
12 was a mental health crisis.

13 This was a mental health patient that was  
14 converted into a criminal, law enforcement crisis  
15 unnecessarily, and the patient was killed rather than  
16 providing health care to the patient.

17 BY MS. LAWRENCE:

18 Q. Okay. Do you believe that a person suffering a mental  
19 health crisis can create a danger to others?

20 A. That is too general a question for me. It's too  
21 general a question that lacks foundation.

22 In this case, coming specifically in this case,  
23 for what I have seen, as a doctor, and as a newer  
24 scientist, the police escalated the situation where  
25 they were so much in a hurry. They were -- instead of

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1        deescalating, tampering done the temperature, they came  
2        flashing bright lights on a mental health patient.  
3        Then just -- their flood lights were focused on him;  
4        they were yelling at him; they shot two weapons.

5                For a mental health patient who was in a crisis,  
6        everything you're doing is to agitate him; you're  
7        making it worse. And then he stands up with a knife on  
8        himself. He stands up, you shoot him.

9                And so there was nothing I saw in that video as a  
10       physician, you're asking me, that justified the actions  
11       of the officers. Whatever they did, they failed  
12       woefully.

13               This was a patient who needed the protection of  
14       the police. He wasn't -- he was a mental health  
15       patient and not a criminal. But they converted a  
16       mental health medical issue to -- they criminalized him  
17       and shot him.

18       Q.    Do you consider it a crime to threaten somebody with a  
19       knife?

20       A.    Sorry?

21       Q.    Do you consider it a crime to threaten somebody with a  
22       knife?

23               MS. MASONGSONG: Outside the scope.

24               THE WITNESS: Now, you're asking --

25               MS. LAWRENCE: Given his testimony, I don't



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1 think so.

2 BY MS. LAWRENCE:

3 Q. But go ahead.

4 A. You're asking me a question about law, whether  
5 something is a crime or not. That is a bit above my  
6 pay grade.

7 But what I have seen in the video -- luckily we  
8 have videos in this case -- I could not see any medical  
9 justification as a physician.

10 Q. Did you --

11 A. And as a physician who took the Hippocratic Oath to  
12 first do no harm, to uphold the dignity of humanity, of  
13 life. And the video I saw -- in fact, when I heard the  
14 gunshots, I stopped; I shuddered; I rewound the video.  
15 What just happened here? How was this individual shot?  
16 Okay?

17 And that is my opinion from the video I saw. No  
18 matter how we twist it, bend it, this individual should  
19 not have -- his life should not have been taken away  
20 from him. It is not a crime to be a mental health  
21 patient. It is not.

22 Q. Okay. Let me ask you: Were you given any information  
23 that Mr. Lopez had threatened anybody with a knife  
24 prior to the arrival of law enforcement that day?

25 A. I mean, what I know is that the family called for help,

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1           okay?

2                   If everybody who threatened somebody with a knife  
3           were shot dead by the police, then the population of  
4           America would drastically go down. Life expectancy in  
5           America would go down sharply.

6                   If everybody who is in a mental crisis, they  
7           threaten somebody or punch you, I will shoot you, I  
8           will stab you, and the police shoot him for that, then  
9           we'll be in a state of anarchy.

10                   So we deal with the case, specific causation,  
11           general causation, you could claim and say anything,  
12           but in case specific causation, you deal with the  
13           specific facts of the case.

14   Q.   Okay. So my question is: Did anyone give you any  
15           information about Mr. Lopez threatening anybody with a  
16           knife prior to the arrival of law enforcement?

17   A.   I know there was some mental crisis going on. He may  
18           have, he may not have. I don't remember -- recall  
19           completely as I sit here.

20                   But by the time the police came, they said the  
21           patient was founding, because a standard we use in  
22           medicine is take the patient as the patient is. By the  
23           time the police arrived, he was sitting down, was not  
24           threatening anybody, was sitting down. He had a knife  
25           with him. He was not threatening anybody. He had a

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1 knife with him. And I know when they finally called to  
2 let the police know that he was having a mental  
3 crisis --

4 Q. Did you listen to the --

5 A. Sorry?

6 Q. Did you listen to the 9-1-1 call to LAPD in this case?

7 A. I believe I did. But as I sit here, you know, this  
8 listening had no significance in my analysis, in my  
9 forensic analysis of this case.

10 Even if he -- even if he had threatened somebody  
11 with a knife, even if he did, and he comes, I don't  
12 know, legally speaking, since you're going there,  
13 they -- they -- the punishment for threatening somebody  
14 with a knife is not assassination. It's not death.  
15 You don't threaten somebody with a knife -- the legal  
16 punishment for that is not summary execution or  
17 assassination.

18 So it doesn't matter if he threatened somebody  
19 with a knife. Does he deserve to die?

20 Q. Do you have any training in law enforcement?

21 A. Sorry?

22 Q. Do you have any training in law enforcement?

23 A. Exactly, I don't. That is why I'm surprised why you're  
24 asking me all of these questions.

25 Q. Well, you're also offering a lot of opinions, and

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1           that's why --

2       A.    What?

3       Q.    You're offering a lot of law enforcement and  
4            criminology opinions, which is why I'm following up on  
5            them.

6       A.    No, no, that's not true.  If you notice, I say  
7            everything as a doctor, because as a forensic  
8            pathologist, we interact with law enforcement so much.  
9            Like, this week alone, a couple of my autopsies, the  
10           police attended.  We interact with law enforcement a  
11           lot, and they ask us questions a lot on the medical  
12           aspects of law enforcement.  That is what forensic  
13           pathology is, the medical aspects of legal -- of law  
14           enforcement; of homicides; of crimes, okay?

15           From the medical aspects, as a forensic  
16           pathologist who advises law enforcement on a regular  
17           basis, the shooting death of Mr. Lopez cannot be  
18           justified.  It cannot.

19           From -- as an expert who is called upon routinely  
20           by law enforcement to offer opinions, I don't see any  
21           way his death can be justified, medically speaking.

22       Q.    Do you have any training in mental health crises?

23       A.    Oh, yes.  Remember as a doctor, I was trained in  
24            psychiatry, I was trained in urology, and mostly a  
25            neuropathologist.  Neuropathology deals with:  Why does

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1 suffering, somebody experiences, because when you use  
2 the word "feel" -- when you feel pain, that is  
3 referring to the cognitive aspect of pain. You don't  
4 need the cognitive aspect of pain to experience pain  
5 and suffering, okay?

6 And so conscious pain and suffering is the pain  
7 reflex in people whose Glasgow Coma Scale is above 6 to  
8 8 in the scientific description. And when we say 6 to  
9 8, it recognizes that there is no sharp demarcation  
10 between consciousness and unconsciousness. No, it  
11 doesn't exist. So anybody who is exposed to all forms  
12 of noxious stimuli that instigates or initiates the  
13 pain reflex, and the person's Glasgow Coma Scale is  
14 above 6 to 8, will experience pain and suffering.

15 Q. All right. What is pre-mortem pain?

16 A. What is what?

17 Q. Pre-mortem pain?

18 A. Pre-mortem pain. I wouldn't use the term "pre-mortem."  
19 Pre-death. In the State of California and other  
20 jurisdictions, they don't -- the law does not recognize  
21 conscious or unconscious. It just says "pre-death  
22 pain." Meaning when you suffer an injury, how long do  
23 you survive before you're pronounced dead? So when you  
24 determine that period, that is how long you experience  
25 pre-death pain.

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I, Bennet Omalu, have read the foregoing  
deposition transcript and by signing hereafter, subject to  
any changes I have made, approve same.

Dated \_\_\_\_\_.

\_\_\_\_\_  
BENNET OMALU

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CERTIFICATE OF REPORTER

I, APRIL D. BIEDERMANN, Washington State Certified Court Reporter and NCRA Registered Skilled Reporter, do hereby declare:

That prior to being examined, the witness named in the foregoing deposition was by me duly sworn pursuant to Section 30(f)(1) of the Federal Rules of Civil Procedure and the deposition is a true record of the testimony given by the witness.

That said deposition was taken down by me in shorthand at the time and place therein named and thereafter reduced to text under my direction.

XX That the witness requested to review the transcript and make any changes to the transcript as a result of that review pursuant to Section 30(e) of the Federal Rules of Civil Procedure.

Signature is waived.

The changes made by the witness are appended to the transcript.

No request was made that the transcript be reviewed pursuant to Section 30(e) of the Federal Rules of Civil Procedure.

I further declare that I have no interest in the event or the action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Witness my hand this 5th day of April, 2024.

  
April D. Biedermann, CCR, RSR  
WA CCR No. 21028823